

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

TRENT LOTT, et al

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:05CV671-LG-RHW

STATE FARM & CASUALTY CO., et al

DEFENDANTS

ORDER GRANTING MOTIONS TO QUASH

On April 4, 2006, the Court conducted a hearing on discovery matters pending in the above-captioned matter. Specifically, the Court addressed Defendants' [20, 21] Motions to Quash the noticed depositions of Mark Drain and Lisa Wachter. Plaintiffs also have filed a [14] Motion for Discovery and [18] Amended Motion for Discovery. In these motions, Plaintiffs seek leave to conduct discovery earlier than the time normally allowed under the Federal Rules of Civil Procedure. Plaintiffs argue that the depositions of Drain and Wachter should go forward because they are likely to leave the State of Mississippi, making it more difficult to depose them.

At the hearing, counsel for Defendants assured the Court that the witnesses in question would be made available for deposition, without the necessity of subpoenas, and at a time and location mutually agreeable to the parties. In any event, the Court concludes that the depositions should not occur until after the Court has ruled on the Plaintiffs' [14] Motion and [18] Amended Motion for Discovery.

Based on counsel for Defendants' assurances that witnesses will be made available in the future, and based on the unresolved issue of whether early discovery will be allowed, the Court finds that Defendants' Motions to Quash should be granted. The Court reserves ruling on the

Plaintiffs' [14, 18] Motions for Discovery until briefing has been completed.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendants [20, 21] Motions to Quash the depositions of Mark Drain and Lisa Wachter are hereby GRANTED.

SO ORDERED, this the 6th day of April, 2006.

s/ Robert H. Walker
UNITED STATES MAGISTRATE JUDGE